



Reprinted  
February 20, 2007

## HOUSE BILL No. 1551

DIGEST OF HB 1551 (Updated February 19, 2007 5:02 pm - DI 75)

**Citations Affected:** IC 3-9; IC 3-14.

**Synopsis:** Campaign finance. Provides that the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, superintendent of public instruction, attorney general, and the candidate's committee of an individual who holds any of these offices may not solicit or accept campaign contributions from the first session day in January of an odd-numbered year through the day the general assembly adjourns sine die in an odd-numbered year. Provides that a person who knowingly or intentionally authorizes, finances, sponsors, or participates in the preparation, distribution, or broadcast of paid political advertising or campaign material that uses a servicemark, trademark, or other proprietary symbol without the express written consent of the owner of the proprietary symbol commits a Class A misdemeanor.

**Effective:** July 1, 2007.

**Avery**

January 23, 2007, read first time and referred to Committee on Public Policy.  
January 23, 2007, reassigned to Committee on Elections and Apportionment.  
February 12, 2007, amended, reported — Do Pass.  
February 19, 2007, read second time, amended, ordered engrossed.

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HB 1551—LS 7849/DI 75+



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1551

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-9-2-12 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section does not apply  
3 to:

4 (1) a member of the general assembly; or  
5 (2) a candidate's committee of a member of the general assembly;  
6 with respect to an office other than a legislative office to which the  
7 member seeks election.

8 (b) As used in this section, "affected person" refers to any of the  
9 following:

10 (1) An individual who holds a legislative office.  
11 (2) A candidate for a legislative office.  
12 **(3) An individual who holds a state office other than a judicial**  
13 **office.**  
14 (c) As used in this section, "prohibited period" means the period:  
15 (1) beginning on the day in January in each odd-numbered year  
16 the general assembly reconvenes under IC 2-2.1-1-2; and  
17 (2) through the day the general assembly adjourns sine die in an

HB 1551—LS 7849/DI 75+



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odd-numbered year under IC 2-2.1-1-2.

(d) During the prohibited period, an affected person, an affected person's candidate's committee, and a legislative caucus committee may not do any of the following:

(1) Solicit campaign contributions.

(2) Accept campaign contributions.

(3) Conduct other fundraising activities. This subdivision does not prohibit an affected person from participating in party activities conducted by a regular party committee.

SECTION 2. IC 3-9-3-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) This section does not apply to a communication relating to an election to a federal office.**

**(b) A person may not authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that uses a servicemark, trademark, or other proprietary symbol without the express written consent of the owner of the proprietary symbol.**

SECTION 3. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 17. A person who knowingly or intentionally violates IC 3-9-3-6 commits a Class A misdemeanor.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1551, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 9 through 16, begin a new paragraph and insert:

"SECTION 2. IC 2-7-1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12.5. (a) "Public advocacy communication" refers to a communication:**

- (1) to urge the general public to act to influence legislative action; and**
- (2) by:**
  - (A) advertising;**
  - (B) mass mailings;**
  - (C) publications; or**
  - (D) radio, television, or the Internet.**

**(b) The term does not include the communications between an organization and its members.**

SECTION 3. IC 2-7-1-12.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12.7. (a) "Public advocacy organization" means a person that:**

- (1) is:**
  - (A) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function (as defined in Section 527 of the Internal Revenue Code); or**
  - (B) a public benefit organization; and**
- (2) spends at least fifty thousand dollars (\$50,000) in a registration year on public advocacy communication.**

**(b) The term does not include any of the following that, in the ordinary course of business, publishes news items, editorials, comments, or paid advertisements that directly or indirectly urge legislative action:**

- (1) A newspaper.**
- (2) A periodical of general circulation.**
- (3) A book publisher.**
- (4) A news wire service.**
- (5) A radio or television station.**
- (6) An individual who owns, publishes, or is employed by a newspaper, periodical, or radio or television station."**

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Page 2, line 8, delete "individuals who set the policies or" and insert **"officers of the organization."**

Page 2, delete line 9.

Page 2, delete lines 27 through 41, begin a new line double block indented and insert:

**"(F) If the lobbyist is a public advocacy organization, the lobbyist's expenses for public advocacy communications. The lobbyist must provide the following information relating to the lobbyist's expenses under this clause:**

- (i) The name of each person that carried the lobbyist's communications.**
- (ii) The dates that communications were made.**
- (iii) The dollar amount spent on the communications with each person that carried the lobbyist's communications.**
- (iv) The total amount spent on communications described in this clause."**

Page 4, delete lines 4 through 42, begin a new paragraph and insert:  
**"SECTION 6. IC 3-9-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section does not apply to:**

- (1) a member of the general assembly; or**
  - (2) a candidate's committee of a member of the general assembly;**
- with respect to an office other than a legislative office to which the member seeks election.**

**(b) As used in this section, "affected person" refers to any of the following:**

- (1) An individual who holds a legislative office.**
- (2) A candidate for a legislative office.**
- (3) An individual who holds a state office other than a judicial office.**

**(c) As used in this section, "prohibited period" means the period:**

- (1) beginning on the day in January in each odd-numbered year the general assembly reconvenes under IC 2-2.1-1-2; and**
- (2) through the day the general assembly adjourns sine die in an odd-numbered year under IC 2-2.1-1-2.**

**(d) During the prohibited period, an affected person, an affected person's candidate's committee, and a legislative caucus committee may not do any of the following:**

- (1) Solicit campaign contributions.**
- (2) Accept campaign contributions.**
- (3) Conduct other fundraising activities. This subdivision does not**

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prohibit an affected person from participating in party activities conducted by a regular party committee."

Delete page 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1551 as introduced.)

PIERCE, Chair

Committee Vote: yeas 5, nays 4.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1551 be amended to read as follows:

Page 5, after line 11, begin a new paragraph and insert:

"SECTION 7. IC 3-9-3-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) This section does not apply to a communication relating to an election to a federal office.**

**(b) A person may not authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that uses a servicemark, trademark, or other proprietary symbol without the express written consent of the owner of the proprietary symbol.**

SECTION 8. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 17. A person who knowingly or intentionally violates IC 3-9-3-6 commits a Class A misdemeanor."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1551 as printed February 13, 2007.)

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1551 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 27.

Renumber all SECTIONS consecutively.

(Reference is to HB 1551 as printed February 13, 2007.)

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